

COUNTY OF KAUA'I
Minutes of Charter Commission Meeting – September 14, 2005

Board/Committee:	CHARTER COMMISSION (CC)	Meeting Date	September 14, 2005		
Location	Mo'ikeha Meeting Room 2 A & B	Time	4:30 pm	Adjourned	6:56 pm
Present	Ms. Barbara Robeson, Chair, Mr. Louis Abrams, Co-Chair, Members: Ms. Linda Moriarty, , Mr. Michael Belles, Mr. Glen Takenouchi, and members of the Public				
Guests	Mike Tresler, Finance Director, County of Kaua'i and Staff of the County of Kaua'i Department of Finance, Miles Tone, Systems Administrator, John Isobe, Deputy Finance Director, Eric Knutzen, IT, David Spanski, Treasurer, Mark Marshall, Civil Defense Administrator, County of Kaua'i, Eric Honma and Shirley Akita, Liquor Control Commission, County of Kaua'i				
Excused	Members: Mr. Galen Nakamura, Mr. Ramon de la Peña				

SUBJECT	DISCUSSION	ACTION
1. Call to Order	Ms. Robeson, Chair called the meeting to order at 4:30 pm.	
2. Mike Tresler, Finance Director, County of Kaua'i and Staff of the County of Kaua'i Department of Finance	<p>Mr. Mike Tresler, Finance Director, County of Kaua'i and Staff of the County of Kaua'i Department of Finance covered a couple of areas. Mr. Tresler had a request from Edie and didn't think he was able to get all documents to the Commission. He had one of the quarterly reports with him. They will be submitting from the Director of Finance a Charter amendment to their procurement/purchasing rules or laws. They have a draft copy right now and it is not ready. He apologized and will set up an appointment through Edie for another meeting for that.</p> <p>Mr. Tresler introduced Mr. Miles Tone who is the System Administrator and had sent a request for consideration of a Charter amendment. It was regarding a cash count (copies were handed out at a previous meeting). Mr. Tresler apologized up front, he just prepared for the Kauai Police Department and Police Commission's presentation so he is really pretty unprepared at this time.</p> <p>Ms. Robeson asked Mr. Tresler to clarify of what he had sent on the amendments, he had sent something before about two areas, one on Finance Department and one in financial procedures (two amendments) and you are going to expand on that. Mr. Tresler said yes, on the procurement area and they only have a draft at this point in time, and he is not prepared to pass it out. He will schedule a separate time for that. Mr. Tresler had a request for many of his division heads to be here. Fortunately we have IT, that's Mr. Eric Knutzen, our Treasurer, Mr. Dave Spanski, myself, Mr. Miles Tone and he believes Mr. John Isobe was here, and Mr. John Herring was also requested. He thinks there was a miscommunication on Mr. Tresler's part on them being here. We had cancelled the August meeting for the September meeting. He is not sure and they must have got that one messed up and Mr. Tresler took the blame for that. At that point in time, got the request and kind of saw this as a question and answer thing. We had not submitted anything to the Charter Commission except for that cash count thing. We could</p>	Mike Tresler, Director of Finance will schedule a meeting regarding a Charter amendment submittal for Finance.

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	<p>talk to that if you want to start there. Ms. Robeson asked Mr. Tresler to tell everyone what Section in the Charter so they can zero in on it. Mr. Tone said he thinks it's Section 10.8. Ms. Moriarty said Section 10.5. Mr. Tresler said that section states they are required to make cash counts but he thinks Mr. Tone pointed out that was kind of like in the old days and now we've evolved to do bank reconciliations. Mr. Tone said most of the cash was in the vault. Most of the cash was held in a vault on site and so that was necessary but now we do bank reconciliations. It's kind of necessary. We have to do this cash count of the cash we have on hand. What would be more applicable would be reconciliations that we do on a monthly basis. Ms. Robeson asked if Mr. Tresler will submit their proposed language. Mr. Tresler said yes. He thought he did, but kind of got lost. Mr. Tone said confirmations and bank reconciliations. That would be the procedures we will recommend, rather than cash count them because right now our Treasury doesn't even have a vault. They keep such a low amount of cash on hand. To count that would be too minimal as far as you are looking at the total picture of what is our cash position. Mr. Tone thinks that is the purpose of the cash count.</p> <p>Mr. Abrams asked if we had the vault from as recent as 1996 when we had the last Commission? Mr. Abrams was not sure and asked how do you handle that right now? Because you are required to quarterly reconcile this with the County Clerk, so how do you go about doing that now? Mr. Tone basically uses the Treasurer's cash count and count whatever the tellers have on hand and we look at the CD's that they have on hand and verify that they have it. Mr. Abrams asked, and that's what gets sent over to the Clerk? Mr. Tone said yes. Mr. Abrams asked then you're going to come in with a proposal to modify or change this to reflect what's going now. Mr. Tone said yes and right now if you want the true picture of the cash total of the county at the certain date, what is recommended is you do a bank reconciliation at the end of the month to make sure that that cash amount that the Treasurer has is reconciled to the bank statement. Mr. Abrams said but the bank statement doesn't count cash because it's not in the bank. Mr. Tone said no, the Treasurer deposits daily, all the cash he has. The Treasurer has only half a day's worth of cash on hand and he has that as undeposited. That's a real small amount. Mr. Abrams said so that's the verification. Was the bank showing that it is in the account? Mr. Tone said that's the only thing that is not in the bank but the Treasurer will have it as undeposited.</p> <p>Ms. Moriarty asked what is the definition of Treasury. What does that mean exactly? Treasury handles all the cash answered Mr. Tone. We are Accounting. Mr. Belles said it's a subdivision of Finance. Finance has four or five divisions. Treasury collects and invests that cash for Accounting. Accounting doesn't touch cash actually. Mr. Tone said we touch but mainly to bring it down to the Treasurer to deposit. Accounting hardly touches any cash. Ms. Moriarty said in this statement here where it says every three months and such other times as maybe deemed necessary, verify the amount of money in the Treasury. Does it mean that all the money in the Treasury is always in the bank whether it's in cash or CD's or anything? Could that be money somewhere else in other investments somewhere else? Mr. Tresler and Mr.</p>	

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	<p>Tone said yes, definitely. They have investments off shore, not only in banks but in bonds. Ms. Moriarty asked so it wouldn't be a bank verification then? Mr. Tone said no, he said investment confirmation also. They would do confirmation. They have independent annual auditors that would do the same thing on an annual basis. Mr. Tone said they do it annually but we have to do it quarterly to make it sequentially.</p> <p>Mr. Abrams said he had asked Edie to get to Mr. Tresler and also to the Clerk's side because some of them handles some of the financial matters, what I pulled out of the Charter which I've gotten. Mr. Abrams asked Mr. Tresler if he could have a copy of any performance audits of the county in the last 10 years since the last Charter Commission that, as per Article 3, Section 3.12 and you say that there had not been any? Mr. Tresler said yes, we've had financial audits. Mr. Abrams asked, but not performance audits? Mr. Tresler said not to his knowledge, no. Mr. Abrams needed from Mr. Tresler the copy of the last financial audit of the county as per Article 3, Section 3.12A. Mr. Abrams received the quarterly statements and that the Mayor provided his Annual Report. Mr. Tresler said he had that and will provide one copy. Mr. Tone said the website has the Annual Audit under Reports. Mr. Tresler said it is posted. Mr. Tone said look under www.kauai.gov (under Reports) for the Annual Audit for 2003-2004. Mr. Abrams asked if that would be under Department of Finance, or Accounting and Budgeting? Mr. Tone said it is under Department of Finance. They don't have it separated by divisions, it is by functions.</p> <p>Mr. Abrams asked Mr. Tresler the most pressing item was why the Commission didn't have Ho'ike here? Ms. Robeson said this will be covered later on the agenda. Mr. Tresler responded to this question and said that they are scheduled to have a bid meeting on September 28th at 2 pm. Ms. Robeson mentioned the bid offer/request went out September 13th. Mr. Tresler explained the process by saying because there was another interested party. To avoid any kind of legal challenge, we had to go through the process rather than just amending the current contract that we had with Ho'ike. This was an additional item and change in scope, so they went through the process and it does take a little while. Mr. Tresler apologized but said that is the process to go through. Mr. Abrams said thank you for getting us a copy of the Ho'ike contract. He understands how this one comes into play and is not sure if Mr. Tresler had one in position for the 2005-2006 fiscal year. Mr. Tresler said yes, it was amended and extended. If you look in the current contract, there's a clause to do it month-to-month for up to a year. So they went ahead to amend that to extend it. We basically need to go out for procurement and solicitations in a short while for the next fiscal year. The way it was done up was that it was for a two or three month contract and then it had the option to extend for a year, month-to-month and we've extended that contract. Mr. Abrams asked if this Commission is the one who is negotiating the contract? Ms. Robeson said you're talking about the one that does Planning Commission, Council and Police Commission. Mr. Tresler said yes, he is talking about that. Ms. Robeson and Mr. Tresler said the Charter Commission is a different and a totally separate procurement. Mr. Abrams said so it was a misunderstanding we had two televised meetings. Mr. Tresler said he didn't know who ordered that. Ms. Robeson</p>	

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	<p>said, we just asked for it and they stayed. Mr. Tresler said it was that kind of a deal and it's just that, especially being the Charter Commission you want to do everything correctly and so it got called to our attention and so that's where we started scrambling to try to catch up with all the paperwork and the process. Mr. Abrams mentioned we had six or eight vacation rental Ho`ike televising and didn't notice that being in the contract. Mr. Abrams asked how would that would have been worked out? Mr. Tresler said he was not sure he wasn't in charge of that. That was done on kind of a Small Purchase Procurement. That is allowable, however, the Charter Commission would not be considered exactly a Small Purchase and with competition again, that's the concern. Mr. Tresler said we didn't want to jeopardize the county in a position that would open us up for that kind of action by any party.</p> <p>Ms. Moriarty addressed Mr. Tresler and said the Commission has had a lot of input into the Charter Commission from various members from the public, through e-mail, and public hearings etc. about considering a County Total Expenditure Limitation. It's very much like Proposition 13 where you figure out how much it's going to cost to run the county and then you add on 10% for inflation, that is the budget that you set for the government and from there, that is what you tax the population. This is something that has come up before the Commission and is going to be in the agenda in the future. She just wanted to tell Mr. Tresler so that the next time he comes, he can be prepared for some questions, especially having to do with so many people who pay so many taxes, she is just expressing public comment, and everyone wonders where their tax money is going. Some of the questions that are going to be coming forth before this Commission. If he comes before us again, it will be what the cost of doing government is for the county and how it has changed over the years, especially the past three years. Mr. Tresler agreed. Ms. Moriarty said within the next year and a half for the Commission, this will come up, for your information. Mr. Tresler will be more than happy to try to answer those questions.</p> <p>Mr. Belles said as a follow up to this, not only responding to any question that the Commission may have prompted by comments by the general public, but if from Mr. Tresler's side have a proposal that will help respond to complaints, that Mr. Tresler must get on a daily and regular basis, if Mr. Tresler and his staff have been thinking about this and if you can consider an amendment to the Charter or some other law that you could disclose or share with the Commission, that would also help the Commission on their job. The Commission obviously doesn't want to go to a Charter change if there is another legal mechanism in place that will get the same result. The Commission will not know that unless they get the benefit of what Mr. Tresler is discussing or thinking about. Mr. Tresler said OK.</p> <p>Ms. Robeson's questions have to do with the way that Article 10 is written now in terms of, it doesn't, as a lay person looking at it, really describe all the work that Mr. Tresler's department does. In other words, they do Real Property, they do Information Technology, you have Motor Vehicles and all of those different parts of your department, but yet they are really not described. She was wondering if Mr. Tresler had thought or would consider taking a look at the</p>	<p>Mr. Tresler will prepare a future agenda item on what the cost of doing government is for the county and how it has changed over the past three years.</p> <p>Mr. Tresler will follow up and respond to complaints that his departments gets on a regular basis and to consider an amendment to the Charter that can be disclosed or shared with the Commission.</p>

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	<p>Charter and see whether that's something that would be useful and make it a better description of the work that your department does.</p> <p>Ms. Robeson asked if Mr. Tresler calls the people that are under him, Deputies? Mr. Tresler said he has one Deputy. Ms. Robeson asked for Real Property, what is that person called, the head of that? Mr. Tresler said they are generally called Division Heads, but they have different titles within each division. Ms. Robeson said, in the budget she noticed that what she thinks were those division heads, the titles did not correspond to anything. It was hard to make sense. Mr. Tresler explained, for example Mr. Dave Spanski is the Treasurer. He is a Division Head for Motor Vehicle, Registration and Drivers Licensing. Mr. John Herring who is a Real Property Tax Manager is kind of the Division Head for Real Property, Assessment and Collection. Mr. Elmer Muraoka is a Division Head and his title is Purchasing and Contract Administrator. Mr. Tresler says they call them Division Heads but they have titles within their organizations. Ms. Robeson asked is there any place other than the Charter then that describes that organization structure of your department? Now we have the big organization of the county but within your department, it's not on the Charter. Is there something else with job descriptions with each of those? Mr. Tresler said, yes we do. He said they have a Table of Organizations, they have the job descriptions. He thinks they also talk a little bit about of it in the Mayor's Annual Report as well. Ms. Robeson said we just got the Mayor's Annual Report. Mr. Tresler said what other departments do that is Department of Finance functions. Ms. Robeson said for an outside person reading it, you wouldn't know what all you did. She is approaching it from that prospective too, from the public's prospective. You know what you do and you feel it's probably OK, but from a different prospective, there's a lot that's missed. Mr. Tresler will look at this.</p> <p>Mr. Abrams mentioned a couple of things in the Charter and wanted to get an idea of how Mr. Tresler handled them. One of them has to do with the Commission discussing with Public Works and Planning, the CIP and your infrastructure. They seem to say that you (Department of Finance) is the central agency that determines what is going to get funded or not. Mr. Abrams understands the CIP side but is not really clear in regards how this county addresses it's infrastructure needs in the future, particularly as it grows. How does that get to you? Where do you look? Does it all go to the Mayor? Mr. Tresler said, yes for all practical purposes that's really what happens. He thinks where they say they are the central agency, of course they are (Finance), however it's a collective approach to getting the information from Public Works and whether it be Planning as well ,to get recommended projects in the budget to be approved by Council. Mr. Tresler personally doesn't determine which projects get funded. Mr. Abrams asked if those departments give Mr. Tresler a priority list from themselves to see how they rank it? Mr. Tresler answered, exactly. Mr. Abrams asked how is that determined? What's chosen? Is that up to the Mayor directly? Mr. Tresler answered, yes. Mr. Abrams asked would Mr. Tresler be able to give the Commission a priority list of each department as it comes in year by year? Mr. Tresler asked, you mean their recommendations? Mr. Abrams answered, yes, for their departments. Mr. Tresler could give the Commission next years. He doesn't know if he</p>	<p>Ms. Robeson asked Mr. Tresler to take a look at the Charter and see if it could include and identify more of those functions that his department actually does and whether that would be useful.</p> <p>Mr. Tresler will provide the Commission next years recommendation list for each department.</p>

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	<p>still has a copy of last year's projects. Mr. Tresler thinks it is reflected in the project lists that he submitted. Mr. Abrams asked the CIP list? Mr. Tresler said yes, that is their priority list and knows what Mr. Abrams is asking and can help him. Mr. Tresler said he doesn't think anyone knows exactly, quite frankly, of what the needs of our county, and as far as infrastructure, you are focusing on that. One positive thing that's happening is legislation for a CFD Bill. Part of that process would force (force would mean for the county) to identify what its needs are. He is hoping if that goes through to that process that they can determine at least portions of areas that they are focusing on and give us some kind of a process or methodology to do that and then hire outside consultants. Mr. Abrams talked about Article 8 of the Code which deals with the Trust Fund for Contribution by Developers, what is that? Mr. Tresler said that is pretty much managed he believes by Planning. It is part of the Planning process and Mr. Tresler has nothing to do with that, which is unfortunate because he sees that whole thing as a contract. Any kind of planning, or anything approved by Council is a contract. In the Charter, it does state that the Director of Finance approves all financial contracts or anything involving assets to his knowledge. He couldn't answer to the specifics of this. His understanding is it is part of that Planning process and Public Works, as far as permitting and what fees are owed. Mr. Tresler asked Mr. Belles if this was correct.</p> <p>Mr. Belles said this is a very complimented process and it involves a lot with the checks and balances the way government works. You can have individual departments making recommendations and their wish list of what they want, then it goes to the Mayor as part of the Administration budget to the County Council. The Council then has it's say in terms of the ultimate budget that's adopted that may be amended from time to time, then the Mayor has his directive in terms of what's actually authorized but the Mayor doesn't have to spend the money. There are a lot of different processes and levels that this thing is discussed at. Priorities change, policies change, frequently amendments are submitted back to the County Council for reassessing various priorities and coming up with new appropriations. This is not something that after June 30th you have budget that's fixed that has a tendency to morph over time, depending on the needs of the community are prompted not only by the County Council but the Administration and the department heads. Department heads like the Director of Finance, they advise the Mayor but the Mayor has final say, after the Mayor has the benefit of all this input whether it be Public Works, Finance, Planning. Mr. Abrams is trying to figure out whether the Mayor even gets some of these things on the list to decide on. Mr. Belles said he does, but you still have to have money appropriated to fund it, where the Council has the final say and the purse strings. Mr. Abrams said for instance, if we are going to steer our growth to Kapaa and we need roads and things like that, it might come in piece meal but he's never really able to look at it as a whole project of what needs to be done at a time. It just comes up more as an "as needed basis" over that fiscal year, right? Mr. Belles said Planning and Public Works can propose a project like that, a project district to the County Council for funding, whether it be for CIP, bonding or what have you, and the legislative branch, in a normal civics class, they have a final say on the appropriation of the money.</p>	

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	<p>Mr. Abrams said it calls for the Planning Commission to actually prepare the capitol improvement accounting to Section 19.09B. Mr. Abrams asked so they don't do that? Mr. Tresler said yes, the Planning Department does this. Mr. Abrams said the Charter says Planning Commission. Mr. Belles says to technically satisfy that, the staff does the work, recommendation is made and is made a part of the record of the Commission. They basically approve the work of the department. Mr. Abrams asked that would come in during or before the budget process for everybody to do that and that has to be done that way?</p> <p>Mr. Abrams was interested in finding out about the IT plan. He did have a chance to listen to the Mayor's show and where Mr. Tresler and Mr. Knutzen and everybody did describe what were some excellent ideas coming up. What Mr. Abrams didn't hear, outside of the fact, that the public can pay their bills on line, is that more or a transparent way for the public to view what is going on? Mr. Abrams didn't know if they have plans and that's why Mr. Abrams was asking for a plan. For instance, if the Council had an Ordinance, there is no reason why you wouldn't be able, on that agenda, to just click that and be able to read it. So that we don't have to ask them to make a copy and inconvenience them, much like you are trying to do for the permitting side. Mr. Abrams asked, in your plans or should he be asking Mr. Knutzen? Mr. Abrams wasn't quite sure who makes that decision. Mr. Tresler said absolutely, it is their vision in the next five years in conjunction with the Mayor's vision to open up public access to the county government. It is to have those solutions where 30% of our constituents use at least one on-line service in the next five years. For many reasons, not only to provide them access, but also to reduce the need and the burden of walk-ins and need and the pressure to hire additional bodies in transactional, in business and what we do whether it be Motor Vehicle Registration or Real Property tax payments, sewer payments, or drivers licensing. The County is slowly migrating, like posting the CAFR on the web. We are well on our way and that is their plan. They are focusing on those credit card and permitting solutions that they feel would be the most benefit to the people and the county right now to reduce the pressure and the need to hire those additional bodies to continue servicing the ever growing customer base.</p> <p>Mr. Abrams asked do you think the IT Department should be a separate department? Mr. Tresler answered not at this point in time and not in the near future, in his opinion. He doesn't think they need an additional layer of bureaucracy there and overhead and costs. Mr. Tresler says he thinks the model is functioning well right now, as well as its ever had with the direction that is being given and the funds and the support its been given. Mr. Abrams said that's cyclical isn't it, pretty much? It's with whatever Administration is in. Whether or not it's a burning desire or not. Mr. Tresler said that is true, that he cannot deny. But what he thinks what's he's said in process would be very difficult for any new Administration to not support what's there now. The initiatives that have been undertaken, because that's been the cry of the taxpayers or our voters that they want access, they want these IT solutions, and they want better service, so it is just from my perspective.</p>	

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	<p>Ms. Robeson asked, IT has how many people working there? Mr. Tresler said 11. They cranked it up to 11. We talked about GIS and the importance of that solution. We have one person doing it half time. Big Island and Maui, he thinks have 7 and 9 respectively just on GIS alone. So he thinks they are performing very well as productivity. Ms. Robeson said IT is going to be the lead on GIS in the county, because she heard Mr. Marshall say he has a half time person that sounded like working on GIS. Mr. Tresler made the correction that that's IT. Mark is confused when it comes to GIS. Mr. Tresler said they've always had the capability but again, the Mayor and Finance has made it a focus that GIS is a very good tool for all departments to use. We put focus on it and got a lot of funds for it and we're becoming the central repository not Civil Defense. They have been very helpful in obtaining the layers and the work that everyone has done as far as statewide. They have a lot of that information. What we're trying to do is pull it in so that we don't need to reinvent the wheel. Create one robust data base with all the GIS layers that all agencies continually update and that could be accessed by the public. Ms. Robeson said all the departments are inputting information to IT and you are the lead, you are the main responsible entity for GIS. Mr. Tresler said he could pass this over to Mr. Knutzen. Ms. Robeson said no, because she didn't want to get too far off field. She just wanted to make sure who is in charge.</p> <p>Mr. Abrams said one of the things he noticed in the budget that a lot of funds are being used for microfilming your old records. Is that a current way to do it? Are you going to change that? Mr. Tresler said one of their many initiatives is digitization as we call it. It's a project that they have. They are starting with Motor Vehicles and Attorneys and he knows Mr. John Isobe can speak more to that but yes, they definitely need to digitize our information in this government. Part of the permitting solution requires digitization of things going forward. Now it's a big project to digitize historical stuff which we kind of have a plan that we hope we can implement. They have a lot of initiatives going on and it's a matter of resources.</p> <p>Ms. Robeson asked, do you have a plan to migrate information from one kind of format to the next newer kind of format? Mr. Tresler said yes, absolutely. For example, right now for example Payroll, we were storing stuff in paper in boxes and boxes. It's better to be saved on a server and on disc and backed up. So they are starting to do that now, for example. They are trying to bring our county to the 21st century and beyond. Mr. Abrams noticed they have \$208,000 for an imaging server. Mr. Tresler said yes. Mr. Abrams asked what about this county IP telephone project, what is that? Mr. Tresler said it's been installed in the Pi'ikoi Building. It's kind of a IP over voice. We just wanted to test the technology because we have PBX servers and multiple, so we wanted to see how that works. It is a bit expensive but in the long run, with the long distance fees and other chargers, we are just trying to analyze it as a pilot project to see if it's feasible for the entire county. Mr. Abrams asked does that work also, could you utilize that through cable, the peg system? Mr. Tresler said he was not sure, but is pretty sure what it means to him using that.</p>	

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	<p>Mr. Abrams said so that the government TV is in the IT Department? Mr. Tresler said Ho`ike, public television is in IT now. It has moved into Finance, I volunteered. Mr. Abrams clarified it was pulled out of the Mayor's Office and went into IT. Mr. Tresler had created a Communications position that partly Mr. Knutzen has filled but in a greater capacity. As part of his responsibility, he gets to take care of that now and Mr. Tresler gets to pass it on to Mr. Knutzen. Our plan, and Mr. Marshall had mentioned it, is that he had leases of our sites. Mr. Tresler said they are trying to consolidate that and if you look down the road, IT and communications, which is all communications systems, are being consolidated.</p> <p>Public commented followed as follows:</p> <p>Mr. Horace Stoessel (public witness) asked Ms. Robeson that he heard her say that she is going to talk about the Ho`ike situation later? Ms. Robeson said we are going to come to that, yes, we are. He made one comment while Mr. Tresler was here. Mr. Stoessel said he thinks the way the Administration has treated this Commission with regard to Ho`ike broadcast, is inexcusable.</p> <p>Mr. Richard Stauber (public witness) said regarding the Finance Department, he had just come from another meeting when it became apparent that the Finance Department does not have really a sufficient reporting tool for the management. They are doing reporting here, doing reporting there and in that department but there is not really an overall part there where you can go on the click of a computer mouse, where you can break down the whole county down to the employee and can say this employee made 50% overtime on the click of a mouse. We have nothing in place like that, neither have we anything in so far as he has heard and seen something in place where we can breakdown the whole county on departments, how much overtime that department spent. There seems to be a lack really of an independent IT department. This goes a little bit more to Mr. Abrams questions and the answer from Mr. Tresler do we need an independent IT Department? From Mr. Stauber's point of view, he would support an independent IT Department which serves the whole county and not only the Finance Department. Because what would happen if IT would propose, which would be a little bit contradictive to the goals of the Finance Department. Then all of the sudden, the Finance Director in his function could, I wouldn't say he should, or will, or would shut down that project. Mr. Stauber would propose an independent IT Department and would support it. This by itself would create maybe an additional branch inside the government. He's fully aware of that and would rather see there 20 people or 40 people in one IT Department, which the IT Department then would be probably be defined in a department which runs the servers, which would be IT# I and then a department which does the programming, it could be IT# II, something like that. He thinks this is done outside government and seems to be working. This was Mr. Stauber's testimony.</p>	

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	<p>Mr. Abrams says that he hears what Mr. Stauber is saying and he sees the tremendous responsibility for the Department of Finance Director. He has to watch over a lot of things and is going to wait to see what comes out of the Police side to get an idea of whether or not we have a systemic problem, which to Mr. Abrams at that point, deals with maybe the Finance Director should worry about finances and the accounting side, as opposed to the IT side or the Real Property side to a certain extent. Is that what you are saying? Mr. Stauber says he agrees. The main concern should be Finance not IT from that point, just to make it clear.</p> <p>Ms. Robeson asked if there was any follow up for Mr. Tresler from the Commission? Ms. Robeson asked Mr. Tresler if the Commission will be hearing from him on those amendments. Mr. Tresler said yes, absolutely.</p>	<p>Mr. Tresler to present Finance Dept. amendments in the future.</p>
<p>3. Mark Marshall, Civil Defense Administrator, County of Kaua'i</p>	<p>Mr. Mark Marshall, Civil Defense Administrator, County of Kaua'i said this appearance did cause him to read his section in the Charter and although it's very brief, there's only three paragraphs in there. It also caused him to go look and to see in the first statement it says Organization shall be as provided by law so he wanted to go look and see what those laws were and what he came up was most of that is in the Hawaii Revised Statutes (HRS) 128. He started off with the description and structure and functions of his agency. It's not a department, it's an agency. Mr. Marshall is an exempt Manager, civil servant and EM III. He has three civil servants that work with him, an Executive Secretary, Plans and Operations Officer and a Grants Coordinator. The Grants Coordinator is a relatively new position for them, granted by the Council and his function is to secure Federal and State grants for Police, Fire, Public Works and Civil Defense. Out of those grants, Mr. Marshall has been able to hire a half-time Account Clerk and Grants Specialist who does training and exercise. The reason for that is that Civil Defense is the administrative portion of a rather large Department of Homeland Security grant through the Office of Domestic Preparedness over the last three years to the tune of \$2 million a year that they have ear marked for anti-terrorism activities and actually had taken and all hazards approach with this money to try to bring the level of our First Responders to an acceptable national level. That's the Police, Fire, and EMS which is revitalized in this county and to a lesser degree, Public Works in terms of First Responders. They find some challenges in delivering that.</p> <p>Civil Defense's primary function is to act as the clearing house, if you will, information source from both the Federal and State government. The Federal rarely likes to deal directly with localities. Like counties, it much prefers to deal through states down to that jurisdiction. These grants from Homeland Security, 20% are earmarked for the State, 80% are earmarked for the locality in our counties. That infusion of much needed money has gone in very specific categories designed by the Federal government to bring up our capabilities in dealing with anti-terrorism issues. The basic categories are personal protective equipment, detection decontamination and then a whole cadre of training and exercise that is needed to go ahead and bolster those other initiatives. In the Federal government structure, they require them to do risk and vulnerability assessments. Civil Defense requires them to bring their plans into</p>	

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	<p>compliance with the National Incident Management Systems (NIMS) by using incident command services or systems to fulfill that. They also have planning guidelines for Civil Defense to plan against 15 scenarios that they've set down for the nation, two of which are directly to natural disasters, earthquakes and hurricanes. Then there are other ones listed as catastrophic dam failures, improvised nuclear devices and I could get you a list of all 15 of those if you are all interested in that. But they are asking Civil Defense to do planning scenarios against all 15 of those. It's all staged over the next 4-5 years. Their incentive is that the county will no longer receive Federal funds unless we come into compliance with NIMS and it's an endeavor by the national government and the State government to get everybody on the same sheet of music if you will, so that we are all talking very similar jargon, or the lack of jargon, in helping us to respond. What Mr. Marshall likes about the Federal wisdom in this case, is that they've said whatever we procure, or whatever we train for or exercise for, can be used in the best way we see fit. Even though it is earmarked for anti-terrorism, if we have a brush fire we can use the same trucks and equipment, rather than leaving them on the shelf and waiting for some terrorist activity, we can use it in our everyday activities. That's been a big help for a small county like ourselves.</p> <p>Part of Civil Defense responsibilities, Mr. Marshall sees in his position, people often want to give him a lot of responsibility that he doesn't actually possess, but what he does see his primary role is being a facilitator for the Mayor's Administration and to some part the Council as well. His agency runs on information so they've built a fairly robust emergency operation center with heavy input of taxpayers on that. They have embraced not only government officials at all levels and locally that would be the Federal, State and county entities, but also what they call private stake holders that support the county's critical infrastructure. A little unusual for government, but they have gotten close to these people on a first name basis and they go through regular exercises and training and try to figure out where they are vital to Civil Defense and vital to our way of life.</p> <p>Civil Defense's primary mission is, of course to save lives and to protect property in the environment, but it also goes to our efforts after post disaster in returning things to normalcy as quickly as we can. Continuity of government is a big thing, restorations of all of our infrastructure is huge and then a logic of priority is who gets best served and some of these decisions are quite difficult.</p> <p>They are actually four cycles that Mr. Marshall sees in his line of work. It starts out with preparedness, it goes to response, responding to something bad that has happened, recovery from that and there's a blurred line between our responding to something and recovering from it. Hurricane Iniki, for example we're threatening to close out FEMA after 13 years of their records and that would be the end of the recovery period of Iniki if we were able to do that this year. Then it goes to mitigation and people often ask, what do I do if there's not a disaster? My rhetoric to that is that I do my best work in preparedness in mitigation and pray to God that I'm</p>	

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	<p>never in response of recovery because that means something catastrophic has actually happened to us.</p> <p>Civil Defense takes quite seriously their role of having to notify the entire population of any of the things that could befall our islands. That could be, they basically break it into two categories, those things that are man made, either purposely or accidentally by humans and those natural disasters that befall us.</p> <p>Civil Defense constantly reviews all of the department's emergency action plans. Primarily that is their ability to notify their personnel in an emergency, home phone numbers and cell phones and their whereabouts. Then an outline of what it is of what they do and we kind of want the departments to stay within their lanes so Police do Police work, Fire do Fire and Rescue work, Public Works do the infrastructure work and Finance and so on through the departments. Annually Civil Defense reviews their emergency action plans that are specific to those departments or divisions within those departments. They work closely with the State Civil Defense which is under the State Department of Defense. That department is led by a Major General, two star General by the name of Robert Lee who is the head of the National Guard, obviously appointed by the Governor. Major General Lee has a Vice Director, a man by the name of Ed Texeira that runs the civilian side of State Civil Defense and they operate out of Diamond Head crater. Civil Defense now has capabilities to do video teleconferencing with him so we can at the drop of a hat get all four county Administrators, State Civil Defense, the head of National Weather Service, the head of the Tsunami Warning Center, activity military components on Oahu or on our island, we could get them all face-to-face on a video teleconferencing and talk about issues. If Civil Defense sees a hurricane that comes within our area of responsibility as it's handed off from the Florida, Miami's Hurricane Center to the Honolulu Hurricane Center, then we start working issues and we start our planning kind of in a backward mode of what their predictions are of when we may be impacted negatively by that storm. That's just one example of how we collaborate.</p> <p>(Technical problem with tape.)</p> <p>Mr. Glen Mickens (public witness) had a question for Mr. Marshall, the relatively small fire that happened in Lihue about a year ago caused huge turmoil and tie up on the island. Is there anything in the Charter that should be changed to make sure that a major man cause, not a typhoon or hurricane, a man cause catastrophe could be better handled? Ms. Robeson clarified does it rise to the level to be in the Charter, I think was the question.</p> <p>Mr. Marshall's gut reaction is probably not, that there's other functions of government like the Police Department and Fire Department whose missions are very much in twined with what the speaker just asked. Mr. Abrams asked are you aware of those departments having any type of plan for emergency such as that? Mr. Marshall is required to review every department's plan</p>	

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	<p>annually and so yes, very much so, to intimate details of where do we put up the road blocks and where do we contra flow everybody out of Poipu and turn people around from Princeville. Mr. Abrams asked what about in the case of a Fire, is there a plan for that? Mr. Marshall answered there are some plans with that. The one that Mr. Mickens was mentioning was actually three incidents. It started as a white goods fire and jumped to a brush fire and had a helicopter crash in that. With the National Emergency Response plan, those would of actually been designated to three separate incident commanders. We try to do it with one and there are always going to be unfortunate situations where we inconvenience and close roads because smoke and fire and things like that. That's not going to change. The same thing with the fatality at the golf course, it will close it for hours and we've worked hard. Mr. Marshall indicated they actually have some studies underway to do emergency routing through cane fields and private lands which we actually have the ability to commandeer a right of ways into those properties but we needed a study where to figure out where are they? Are they just on paper or are they really still there, out in the cane fields and how we might employ them. And would it take us more time to station police officers along the route and get that all ready for us to use, than it would to go ahead and clean up the wreck and get that open. There's a lot of conjunction and planning. One of their primary missions is normalcy and continuity of government. Mr. Abrams is glad to hear that they have a plan.</p> <p>Ms. Barbara Elmore (public witness) had a comment as it relates to the Charter and what was said earlier. Ms. Elmore would like to see more of something in the Charter that says that after a disaster or unusual emergency, there's a public investigation into what went wrong and how to correct it. She knows with Hurricane Katrina, nobody could of predicted this and there have been people paid for years since 2001 at least, to be able to prepare for things like that. She's lived not far from the Gulf Coast for many, many years and there was common knowledge that New Orleans was subject to this terrible levy break. Concerning the toxic fire, she was at a County Council meeting when that occurred. Nobody notified the County Council. That was a long meeting and it went on into the evening. She happened to leave that meeting because she had another meeting on the North Shore and then stopped into the library where there were a lot of children. The Librarians said there's a toxic fire, look out the window. They could see the black smoke and then there ensured a terrible traffic jam which, she doesn't mind traffic jams but if it was toxic indeed, they were at Wilcox School and children in the Library and children in the homes and they needed to have a way to get out, but there was a delay for hours trying to just get on to the main highway, even at a light where there was a right turn, you could not turn because the traffic on Kuhio Highway would not stop and allow anyone to merge, even with the light. There was no planning for that, there was no handling that she saw. Mr. Marshall talks about working with the Health Department and she did make calls after that fire to see if anyone tested the air quality and got the runaround. The final thing that she was told was that someone from Honolulu would be the ones to check the air quality. Excuse me, if it was indeed poisonous smoke, we couldn't wait for somebody to fly here. She knows that's not the Charter but in the Charter, we need a reasonable person in charge of Civil Defense and we need</p>	

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	<p>accountability afterwards, and we need coordination and communication, certainly with the County Council to let them know there's a disaster happening and she doesn't know how that would be inserted into the Charter. It didn't work. She's heard a lot about 9/11, this was three years after 9/11 when this happened. She is not secure. She does not feel secure on this island with the leadership and she thinks there should be accountability.</p>	
<p>4. Eric Honma and Shirley Akita, Liquor Control Commission, County of Kaua'i</p>	<p>Ms. Robeson thanked Mr. Eric Honma and Ms. Shirley Akita for their patience. Mr. Belles had to leave. Mr. Honma is the Director and Chief Investigator for the Liquor Department. With Mr. Honma was Ms. Shirley Akita, Commission Chair. Mr. Honma distributed his organizational chart to the members of the Commission. He related this to the current provisions in the Charter and basically the Charter just delineates that there shall be a Department of Liquor Control and that department shall come under the direction of a Director who will appoint the necessary staff. It also delineates that there should be a Liquor Control Commission with five members who will have specific responsibilities that are related to those that are granted under Section 281 of the Hawaii Revised Statutes (HRS), which is basically to grant, refuse liquor license applications, and they may hold adjudication hearings for violations. There are a number of provisions in Section 281 that are granted to the Liquor Commission empowering them.</p> <p>There is also a second level of county Liquor Rules which is promulgated by the Liquor Commission by the statutory granting authority of Section 281 that allows the Liquor Commission to grant specific rules for Kaua'i County only. They have in the past, promulgated rules that are particular to them that are not applicable to Maui, whereas Section 281 of the HRS applies to all four county jurisdictions. Basically as you look at our Charter, and as it references the Liquor Department, it's relatively short and it's three fourths of a page. As Mr. Honma has said, a majority, if 90% of the power of the Liquor Commission, the duty of the Commission, and of the staff is delineated in Section 281 of the HRS.</p> <p>In summary, Mr. Honma said in reviewing our Charter, and as it relates to our current operation, our functions, he didn't see any need at this time to either propose an amendment or to amend a provision or to delete any provision in the current Charter as being either cumbersome or non functional or hindering our ability to function, as well as our ability to implement Section 281 of the HRS.</p> <p>Ms. Akita, Chair of the Liquor Control Commission, said she agrees and echoes his sentiments. Ms. Akita is ending her second term and as Chair, she finds that the Charter seems broad enough in scope so that it enables them to do their job as Commissioners.</p> <p>Mr. Abrams asked how many Liquor Control Commissioners do they have? Ms. Akita said they have five. Mr. Abrams asked is that enough? There have been some other commissions who thought they may need some help. Ms. Robeson clarified by saying more people on the commission. Ms. Akita says it seems to work and she is used to working with larger committees</p>	

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	<p>and was concerned initially, but with five, they always have their quorum. For the past two terms that she has been serving, it has worked out very well. The rules and regulations are there so it is really knowing them and being able to apply it especially since, on Kaua'i, we not only grant, but they also serve as the adjudication board for any violation that occurs. They have a good cross section. It seems like the Administration has seen to it that we are not all like minded nor are we all drinkers. It seems to give a good balance. Mr. Abrams mentioned that it is interesting that looking at all these commissions, this particular Charter Article 16, doesn't tells us who appoints you. Everyone would assume it's the Mayor. Every other commission, it specifically says that you shall be appointed by the Mayor and confirmed by the Council. Now there are other ones that, now they have the 3, 3 and 1, there are all kind of different kinds. The Charter Commission may have to clarify that. Ms. Akita said that's a good point. She said by past practice, it has just been like everybody else. So the Mayor sent a letter saying that he's appointed the commission member. Ms. Akita said he's recommending us to the Council and the Council approves and then they get a letter from the Council Chair saying that we have been appointed. Mr. Honma said he believes if he is not wrong, there is another portion in the Charter that delineates who appoints the Commission board members and the term that they can serve, as well as the hold over because it doesn't speak to any of that. He believes there is a general provision somewhere in the Charter that makes mention to who the appointing authority as well as the confirming authority, being the legislative body. Mr. Honma didn't know if whether our particular Section 16 is silent on that but that is the procedure that he has been following and by precedent by other commissions, he thinks they are on sound legal ground in continuing that practice. Ms. Robeson added but it would be more clearer to have it in your own section. Mr. Honma said yes, Commissioner Abrams brings up a good point.</p> <p>Ms. Robeson would also like to bring up that the title of the Article of the Charter is Liquor Control Commission when it's really a department, so it seems that it should be Liquor Control Department. Mr. Honma said yes and if you look and compare the other three counties, their title within the Charter is Liquor Control Department. We are the only one that is referred to as the Liquor Control Commission. Again, maybe as a matter of housekeeping to rename it, but from an operational standpoint, it has not, and if the Commission does not have any, this is not one of the priority items that gets on the ballot, it will not create for us any operational problems. Ms. Robeson said just for clarity. She said she has not even gotten to that decision stage yet but it's just one of those little things. Mr. Honma said he can imagine that there probably will be five ballots stuff full if the Charter Commission has to entertain every single one. Mr. Abrams said the Big Islands last one did 20 amendments. Ms. Robeson said all 20 articles. They did some major changes.</p> <p>Mr. Glen Takenouchi, CC Member, had one question for Mr. Honma, on Section 281 HRS being the laws that govern the Liquor Control Commission, is that something you think that should be added into the Charter or, no its enough here that it states that you operate on the laws? Mr. Honma said Section 281 does say that each county shall have its own Liquor Commission,</p>	<p>Possible clarification for commission.</p> <p>Possible change of name.</p>

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	<p>Liquor Department and the Charter just speaks to the formation Commission by members as Chairperson Akita mentioned. Kaua'i and the City and County of Honolulu have only five member commissions. They serve both the regulatory functions of hearing applications of public hearing, as well as deciding to grant or refuse the license and they also do the adjudication functions. When a licensee is cited for a violation, they come before the Commission, Mr. Honda prosecutes them there and the Liquor Commission is the adjudicative body. In the County of Maui and Big Island, they have a Liquor Commission that does only the regulatory function. They only hear license applications and they also have a separate adjudication board that only does the adjudicative functions. There is no advantage or disadvantage as he mentioned in comparison, if a City and County of Honolulu with 1,400 licensees can function with a five member commission.</p> <p>Mr. Abrams said your meeting level is not like a six hour Planning Commission meeting. Ms. Akita said no. Mr. Abrams said he didn't want to make it so burdensome. Ms. Akita said she doesn't have the problems that Oahu has with the bar situation and all the negatives. Mr. Honma said on an average their meetings run 45 minutes to an hour. They have streamlined the process per say, in the way they conducted the hearings and it has worked well. It helps to have commissioners who are very well versed in the State law and county Liquor Rules. The process is not one of us trying to educate them as we are going along in the hearing. They know very well what the charges are and the adjudicative process and their responsibility in hearing the matter. Having good commissioners is to Mr. Honma just as or maybe not more important than one of the provisions of the Charter that gives you as a department. Mr. Abrams said he had to deal with Mr. Honma's staff and he thinks they are very professional. Their website is good, it gives a lot of information on how to get the forms to the public and deal with that. Mr. Abrams also mentioned that Mr. Honma's department is one of the shining stars out there. You don't get in trouble that's why. Ms. Akita agreed and added they are very well informed. Mr. Abrams said yes they are, they are very good and they know exactly what's going on. It's not like going on to the State Tax Office. Ms. Akita mentioned she has renewed respect for owners of the establishments who come in for violation hearings. During her tenure, she has not experience all of the confrontations that sometimes occurs in other commission meetings elsewhere. Ms. Robeson just wanted to know if in terms of a liquor license, do you get into to any kind of regulation of the non-smoking laws in restaurants or bars, that kind of thing? Mr. Honma said no. There is a provision in the Tobacco Bill as its referred to down the county level, where a establishment, once it ceases to serve food as part of its daily operation and only continues to serve liquor, they can utilize one of the provisions in that bill which would then allow smoking within that licensed establishment. Other than that, an individual can come in and again exercise one of the provisions in the Tobacco Bill by being a standard bar, although some food is served, if it's more than 70% of the revenue during that time period is derived from liquor as opposed to the sale of food, which is generally going to be incidental as opposed to a full restaurant. Then they are able to allow smoking as long as they have properly posted signs informing the public of the time frame that they can do that. Their function in that process is to</p>	

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	<p>go and audit their liquor sales and food sales to determine whether they made that criteria.</p> <p>Public comments were as follows:</p> <p>Mr. Richard Stauber was looking at the charter, and is a little bit concerned, and it's not the Liquor Commissions fault at all, there is this part which says enforcement branch which a little while ago a bill showed up or a request showed up at the Council level that the Liquor Commission wants to buy guns. The Liquor Commission is the law enforcement and wants to have guns. He has a little bit of concern if we have guns outside the Police Department. This is his concern and really shouldn't be in the Charter but this is a little bit straying off the agenda.</p> <p>Mr. Horace Stoessel said he first encountered Mr. Honma as a member of the Salary Commission last year and would like to say that would every agency in the department in this county were as well managed as his. With regard to the factual question, Mr. Stoessel said there is a general provision in the Charter about the Mayor appointing and the Council approving, it's Section 23.02B and there are inconsistencies in the Charter that he presumes he will deal with eventually. Mr. Stoessel addressed Mr. Abrams by saying there are two other agencies who are in the same boat, the Civil Service Commission and the Board of Ethics. They don't say who appoints them either. Mr. Abrams was wondering why that would be and will ask Mr. Belles who is the closest he can get to Morris Shinsato.</p> <p>Ms. Robeson informed everyone there would be a three minute break.</p>	Question regarding Civil Service Commission and Board of Ethics
Recess 6:20 pm		
Reconvened 6:25 pm		
5. Proposed Administrative Rules of the Charter Commission	Ms. Robeson said the Commission is still on track with that.	
6. Schedule, Timeline & Tasks of the Charter Commission	<p>a. The schedule of the next invitees was handed out. Ms. Robeson, said at some point, the Commission is going to have to get to the big decision of what the direction of the Commission is going to go which is part of their homework from last time. She is looking at possibly October 26th at that meeting. Keep that in mind for the Commission's home work assignments reading those two books. Mr. Nakamura and Ms. Robeson has been working with Mr. Curtis Shiramizu, Special Counsel, on possibly having someone to help us work through that discussion of the direction that we want to go. A facilitator to put all the things out and sort of guide us and help us and work through that if we feel that's something useful.</p> <p>b. Mr. Abrams said assuming all this, then the next thing they are going do is to decide what are the big issues that the Commission needs to decide whether or not the voters want to entertain</p>	

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	<p>some sort of Charter amendment. We would move it into those bigger ones and sort of ferret it out of those. The one that you discussed was the spending limitation. The Commission has had some discussion with a county manager, those types of bigger issues. But some point in time, the Commission has to decide and Mr. Abrams is not sure if it would be after that or before it. He kind of thinks after. Does the Commission look to write a whole new Charter? Ms. Robeson said that's part of that discussion that she is talking about. It probably won't happen in one meeting but the philosophical big picture kind of stuff. We are going to have to decide on a direction and go that way because the Commission can't just be bouncing back and forth and decide. The Commission needs to know what all is involved so they can manage their time, manage Special Counsel's time and need to decide on a direction before they can actually work their way through that. Possibly October 26th because that's when the Commission doesn't have anybody yet. Mr. Abrams asked if there is any other department or person that they need to know in the county that they haven't heard from still yet before they finalize. Ms. Robeson did the check off on the organizational chart. Mr. Abrams had personally asked to have the actual Planning Director show up. Hopefully that would happen. Ms. Robeson said maybe he can show up on October 12th, or we're just going to have to go longer in our meetings? Mr. Glen Takenouchi, CC Member, asked if the Commission can start earlier? Ms. Robeson said if we could get the room earlier, the Commission can start earlier. Edie will check if the room is available at 3:30 pm starting on the October 26th. Mr. Abrams said they have not actually had Gary Heu, Administrative Assistant. Edie said Gary Heu will be in the next meeting, September 28th, the first person. Mr. Abrams would like back the Council and the County Clerk and the to reconcile what he is doing there and how he's handling some of the things like the actual documents and Charter, where it is? Whose responsible for this, some of those things? The Commission really hasn't haven't had a meaningful discussion with the County Attorney at all. Those were the last big ones. The County Clerk could come back during October 26th or during that facilitation time and the Council Chair Asing. Ms. Robeson told Edie to put this as tentative yet, because they are not quite sure.</p> <p>c. There is nothing new on holding public meetings around the island.</p> <p>d. Preliminary discussion concerning the direction of work. The Commission doesn't know yet. That was previously discussed.</p> <p>e. Status of Commission's special counsel. Mr. Shiramizu has been going over the materials that we have been providing the minutes so far and some testimony. The Commission is working with him on that.</p> <p>f. Status of requests for documents and information relating to Commission's tasks. Mr. Abrams asked for which is relative to that which is really interesting, this is the Mayor's Annual Report 2003 – 2004. Ms. Robeson asked if this was on the website. Mr. Abrams said it is not. It goes down by department, it tells who works there, it is a very comprehensive. He will have</p>	<p>Secretary will invite Ian Costa, Planning Director to attend the October 12th meeting.</p> <p>Secretary will check on moving the October 26th meeting at an earlier time to 3:30 pm.</p> <p>Secretary will tentatively invite the Council Chair, Kaipo Asing and Peter Nakamura, County Clerk to the October 26th meeting.</p>

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	<p>this scanned. Mr. Abrams has a copy of the budget which was helpful. This is the quarterly reports that are filed with the County Clerk by Finance which deals with what's actually being spent and what is budgeted so that you can get a pretty good idea. Mr. Takenouchi asked if Mr. Abrams got everything that he wanted from the Finance Department? Mr. Abrams didn't get from the IT side. He is sort of gleaning as he sees things happen and watch the Mayor's show where they were talking in depth about what IT wants to do. There may be one personal call to maybe the IT Director just to find out exactly is there a plan? Mr. Abrams said he heard today that there was. He forgot to ask if it was in written form because he doesn't know if there is an actual form. The audits call it. The only other last item is that he doesn't have the last audit and in the budget, they are doing an audit this year is what they are saying. It would have been three years ago. They actually had an independent audit of the county three years ago. Mr. Abrams will get that from him and get that scanned. If the Commission read what Ms. Robeson gave, Model City Charter, that's interesting because they are basically a very strong manager thing, but he also noticed that they have no departments and no commissions is what they are recommending. Mr. Abrams hasn't found any county that has gotten that far, so apparently they aren't as trusting in the State as the rest of the national guys are. He thinks this is the perfect world Charter. That has a lot of very good theoretical information that they should pick up on.</p>	<p>Mr. Abrams will get a copy of the last audit that was done three years ago from the Finance Department.</p>
<p>7. Support Needs of the Charter Commission</p>	<p>a. Update regarding request to Mayor for assistance in transcribing meeting minutes. Ms. Robeson reported that was a particular transcriber and the Mayor didn't know anything about that. Ms. Robeson said the original information came from the County Attorney's office. Edie said yes and we followed it up with a memo to the Mayor regarding this subject. Ms. Robeson said item 7a will be crossed off because that's not going to happen.</p> <p>b. Status of meeting with the County Attorney, that was from last meeting. This item was on there in error. Edie will delete Item 7b.</p> <p>c. Ms. Robeson reported on the meeting she had with Mayor Bryan Baptiste. Ms. Robeson met with the Mayor on September 1st and basically she had two purposes, one was to give him an overview of where the Commission is right now in terms of their schedule and time table. The second was with respect to support both administrative support and legal support. Ms. Robeson told the Mayor what place the Commission was on the schedule right now, still gathering information and on October 26th to start analyzing as we just talked about. The Commission decided on a direction and she made it clear to him they didn't know where they were headed yet. She did mention whether it was housekeeping, minor revisions or major revisions. After that decision, the Commission would continue working on the final report which is due August 4, 2006 to the County Clerk, but that they would continue with public education that, particularly if they had a lot of amendments that they want to make sure that the public was informed.</p> <p>The second topic that Ms. Robeson talked to the Mayor about was administrative assistance and updating him to let him know the status, in case he didn't know, of Edie's workload, which</p>	

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	<p>was in terms of the minutes and also that on the Ho`ike contract. The person that had done those contracts before left and so it was Edie working with Elmer in Purchasing and Edie working with Ms. Robeson writing the contract basically and the contract went out yesterday (September 13th). The Mayor took notes and was mindful of the staffing needs that we had in the Administration. Also, the question for Edie about who was going to manage the budget for our Commission.</p> <p>On legal support, Ms. Robeson reported to the Mayor that based on a conversation with the County Attorney's office that the Commission seemed to be clear that they weren't going to get much if any legal support from the County Attorney's office and that the Commission would be relaying on their special counsel. It is most likely that the Commission would have to go back for some more money on that. But the original request for the \$30,000 was based on the premises that the Commission would get support from the County Attorney's office and since that wasn't happening the Commission is going to need most likely money later on. The Mayor was very cordial and took it under consideration.</p>	
<p>8. Commission Efforts to Foster Public Participation</p>	<p>a. No report on the website.</p> <p>Discussion on public participation was as follows: Mr. Glen Mickens (public witness) asked Ms. Robeson that she quizzed the Mayor about Ho`ike but in regards to Mr. Abrams question, and what was just said, it's deplorable with what's happened. How do they rectify, the Commission having two (taped) sessions here, now you have to go around and have to go out to bid? How are they going to justify that. Ms. Robeson answered that she didn't talk to the Mayor about that. Mr. Mickens thought she mentioned Ho`ike when she talked to the Mayor, but she didn't talk to him about that, OK. Obviously, Mr. Mike Tresler didn't give the Commission an answer. Ms. Robeson said he did. Mr. Tresler said that the reason that they couldn't extend the existing contract, which is apparently what they do now, there was a second party, to her understanding, who wanted to bid on the contract, so therefore because of some legal problems that would cause that, they extended when there was another bidder out there, that's why they had to write a new contract. That's how Ms. Robeson understood of how Mr. Tresler said it. Mr. Mickens said that still doesn't have to justify there doing two sessions here without a contract. Mr. Takenouchi said no, there was a misunderstanding he thinks. Ms. Robeson said yes, there was a misunderstanding because the Commission got two free video tapings. Mr. Mickens understood that's the misunderstanding. Ho`ike was here and the Commission thought that they were going to be able to extend the contract but then apparently, this is her thinking, this second bidder came forward and they realized that they couldn't extend the contract. That is what Ms. Robeson thinks happened. Mr. Abrams said no, that is not true. He explained what's happened is that that contract with Ho`ike applies only to the Council, the Mayor's show and the Planning Commission and that's it. There isn't any room for anything else. They are allowed to extend that on a month-to-month basis for up to a year which apparently they exercised that. That was not what Mr. Abrams understood before because he didn't remember anybody saying anything and that answered the questions</p>	

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	<p>of how are they doing all these other departments under this existing contract. What Mr. Abrams believes that is happening is that is because the Charter Commission is an anomaly which comes up once every 10 years, they didn't prepare themselves. When they got that they had to then decide that they have competition out there, that they have to go with an RFP process. This all went back to last year when this contract which was started in November or October of last year and was over budget and this calls for them that Ho`ike was the low bidder so that they were allowed to directly negotiate with them. That's basically it. It limits and it doesn't allow any flexibility at all. Even for the County of Kaua`i to bring in other things. You'd think that if I want to pay for it, you show up, that kind of thing. The contract is so narrow, that it didn't provide for any of that.</p> <p>Mr. Mickens said you hear Council Chair Kaipo Asing get all over our Information Officer at that time. She knew it was going to come up. The contract was going to expire. It wasn't like it just happened just yesterday, they knew it, they did nothing about it. From that time on, after Carol and Ed's contract expired, which they knew it was going to, nothing happened. B. C. is just going to keep on televising. Mr. Mickens asked the Charter Commission, didn't you ask for money in your budget for Ho`ike? Ms. Robeson said they did, July 1st and the Commission got it. Mr. Abrams said it's in the Mayor's budget. Mr. Mickens continued by saying because they have to send the thing out to bid then, that's why, in like you said, there was a mistake and you got two freebies things that you shouldn't of gotten basically. Mr. Abrams said that he thinks they got around, which the vacation rental situation, is they plugged it under the Planning Department even though it calls for "X" number. So those must have been freebies. Ms. Robeson said that Mr. Tresler could have had a Small Purchase Procurement and that it could have been, not that it was. Mr. Mickens says the Commission is getting stoned walled for things that the Commission is trying to accomplish and that shouldn't be. Ms. Robeson says the Commission isn't getting stoned walled, and apparently there is just nobody doing contracts now. Elmer isn't supposed to be doing contracts according to her understanding. He was helping us and Edie was meeting with Elmer and Florence and Ms. Robeson was trying to help Edie. We are just doing the best we can and just move forward. There's nothing we could do about it now. Mr. Abrams says the entire budget for Ho`ike is in the IT department. It got pulled out of the Mayor's Office and is now in IT. You would think the Director of IT would be the one who would have to (inaudible). Mr. Mickens said the Commission should of asked Mr. Eric Knutzen that question.</p> <p>Ms. Robeson asked Edie, on September 28th the bids will be opened? Edie said that was correct. Ms. Robeson wanted to know if after 15 days we would know. Edie answered that she will be learning the process.</p> <p>Phyllis Stoessel (public witness) commented that the Commission has just demonstrated that they need a County Manager.</p>	
9. Communications &	a. August 25, 2005, E-mail from Phyllis Stoessel, concerning Office of Commission	

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Handouts	<p>Administrator</p> <p>b. August 25, 2005, communication from Walter Lewis, concerning Charter Commission matters</p> <p>c. September 2, 2005, E-mail communication from Walter Lewis, concerning a County Total Expenditure Limitation or a Tax Limitation</p> <p>d. September 6, 2005 E-mail communication from Walter Lewis, concerning the Ohana Kaua`i experience relating to the provisions of the Kauai County Charter</p> <p>Mr. Abrams said he had some serious concerns in regards to 9d. and the process that they had to go through in order to get this on. That's why Mr. Abrams wanted to talk to the County Clerk on the procedure that he's bringing up. Ms. Robeson clarified, so that communication Mr. Abrams wants held out for further discussion or put it for the County Clerk or what? Mr. Abrams said the County Clerk has his own file because there are so many letters now. Mr. Abrams has it and he knows what he needs to ask the County Clerk which basically goes down through what Mr. Lewis was saying in regards to their experience and this is on his September 6th letter. They have some criteria that was applied that they weren't familiar with. Mr. Abrams is looking at the County Code to see whether or not there is any specific language as to what and how they are suppose to handle it and see whether or not that jives with the Commission's initiatives and referendum. It's not even an initiative and referendum, it's a Charter amendment.</p> <p>Mr. Mickens said Mr. Abrams mentioned that he wants to get the County Clerk here. Did you get a date? Mr. Abrams put the County Clerk tentatively for October 26th. Mr. Mickens asked if the County Clerk and the County Attorney will attend because the County Attorney will be very relevant in this. It went to the County Clerk and it went to the County Attorney and as Walter Lewis' letter states, nothing was done. Mr. Mickens would really like to hear from both those people why at that state of the game. Nobody raised a red flag or said anything before a week before election and the county sues the county. He would really like to hear. Mr. Abrams said he didn't now if he could get it out of them. Ms. Robeson said, they might not get it out of litigation pending, so we should be prepared to not be able to get that. Mr. Abrams said the point is that it didn't work. Mr. Mickens agreed. Mr. Abrams said that we need to figure out whether or not the voters need to decide on changing the matter and that's going to require right from the start where they brought in the petition and how they expressed their difficulties getting it interpreted which hopefully we can bring some clarity or the voters may think it needs to be clear. Mr. Mickens stated that Mr. Lewis said there were so many of the ballot names that they disallowed and we were questioning the disallowance of a bunch of them but we didn't pursue it because we already got backed up so we did everything they wanted. We jumped through all their hoops and everything and they did nothing at that stage of the game until the county sued the county. Mr. Abrams held off and thinks everybody has been pretty much looking into that section, until we got a feel for how it is working and he expects us to spend a great deal of time</p>	

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	<p>on that. Mr. Mickens asked his original question when this thing first started, something's got to be done to that section in the Charter 22 and 24 to assure that the next time something comes up, we want to put it on the Charter, as a Charter amendment, which it says under 24 you can, before this goes through the same process and they are going to do what? Turn around and say it's illegal or unconstitutional again? Mr. Mickens said to Ms. Robeson, the Supreme Court will probably rule on that one word, county or Council and he thinks that's going to be the key words right there as Mr. Lewis keeps on saying. When they say the county, we feel, that that means the people. We elected certain people and we elect those people to represent us. This is what we're saying. Whether they say the council, that's what they are saying, has the power to set tax rates, etc. That's where it's got to be cleared up and maybe you are right. We'll have to sit here for another five years waiting for the State Supreme Court. Mr. Abrams said the Commission will have special counsel which will not be restricted by the obligations of the County Attorney. Mr. Mickens said good idea.</p> <p>Ms. Robeson wanted to go back to Mr. Walter Lewis' August 25th letter in the communications and handouts. In the first paragraph, the very last couple of lines he says, "extend a blanket invitation for public testimony on any subject which might appropriate warrant consideration for a Charter amendment." Ms. Robeson said she was thinking of doing that. She doesn't know how they can do that because she knows the County Attorney's office had a concern about sort of an open forum kind of thing. But if the Commission can accomplish that by having some agenda item where the public can just talk about any Charter amendment not specifically to any. Mr. Abrams asked wouldn't it get on the agenda if the public just sent us an e-mail or letter and we put it on the agenda and the Commission can discuss it? That would be an easy way to do it. Ms. Robeson said Mr. Walter Lewis asked to be on the agenda specifically so we scheduled our time and arranged a certain amount of time allotted to him. It's not like we get to the end of the meeting and it's time to go home. So we'd schedule time, people can send in their testimony in advance if they wanted to but make that more targeted toward the public rather than towards departments. Mr. Abrams asked why don't we put him on the agenda? Ms. Robeson explained not him, anybody. Mr. Takenouchi said just an open thing about any Charter amendments. That's part of a line item in the agenda and at the beginning to. Mr. Abrams said she's got that language to put on. Ms. Robeson didn't know when to do that, maybe October 12th, depending on who comes.</p> <p>Mr. Abrams made a motion to receive Items 9a through 9d and seconded by Mr. Takenouchi. Motion carried unanimously.</p>	
10. Efforts to Publicize The Charter Commission's Activities	Already discussed.	
11. Public Comments on Charter	Mr. Horace Stoessel (public witness) said it seems to him that the Commission's focus up to this point of trying to get something out of government people is becoming a matter of diminishing	

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Commission August 31, 2005 Meeting Agenda Items	<p>returns. He would really like to see the Commission break loose from that and doesn't object to bringing anybody in here that you want to bring or who wants to come. But Mr. Stoessel raises the question as to whether it is time for the Commission, with regard to their future agenda to create their own agenda, and not depend on scheduling on government people to determine your agenda. Mr. Abrams agreed.</p> <p>Mr. Richard Stauber (public witness) went back to the County Attorney in not attending this meeting. He feels a little bit offended at the County Attorney's office coming here that they would give the Commission the support from the County Attorney's office then they bailed out without no letter, by just saying I'm out of here. If it had been known before, there would have been a draft bill of at least \$200,000 for outside counsel. Mr. Stauber thinks the Commission needs this. If the County Attorney is not attending, there needs to be a bill drafted for \$200,000 for outside counsel just to have the legal grounds there. On the other hand, the County Attorney's office, if they are going to hire outside counsel, they'll usually send letters over to the County Council and say we want to expend \$100,000 or up to \$200,000 for just one law suit. This \$200,000 which Mr. Stauber is referring to is actually not just pulled out of the blue sky. You need that kind of money really to move forward. Mr. Stauber is still really offended about the County Attorney's office and I want to go on record with this one. Mr. Abrams said that's a good point. He asked should we ask now anticipating that it goes so slow that we could be left with a gap there. \$30,000 is not going to go far. Maybe what the Commission should ask for is approval, and he is not quite sure, do we go straight to the Council. Ms. Robeson didn't know. Mr. Takenouchi said it's in the Mayor's budget. Ms. Robeson said she thinks this should be put on the agenda for next time. For new agenda items add Request for additional monies for special counsel. Mr. Abrams suggests that we ask for \$200,000. Mr. Abrams mentioned that Ms. Robeson did such a good job with the Council.</p>	
12. Approval of Charter Commission Meeting Minutes	The Meeting Minutes of August 31, 2005 was deferred to the next meeting, they were not ready yet.	
14. Next Meeting of the Charter Commission	<p>The next meeting will be September 28, 2005. Mr. Abrams will not be at the next meeting.</p> <p>Possible Agenda items:</p> <ul style="list-style-type: none"> - September 8, 2005 E-mail from Horace Stoessel regarding Amending Article II, Powers of the County - Request for additional monies for special counsel 	
15. Adjournment	No other Agenda items were discussed. Meeting adjourned at 6:56 pm by unanimous vote.	

Submitted by: _____

() Approved as is

Edie Ignacio, Secretary

Date: September 23, 2005

(X) Approved with amendments. See minutes of October 12, 2005 meeting.